

1 SETH ARONSON (S.B. #100153)
saronson@omm.com
2 MATTHEW CLOSE (S.B. #188570)
mclose@omm.com
3 O'MELVENY & MYERS LLP
400 South Hope Street
4 Los Angeles, California 90071-2899
Telephone: (213) 430-6000
5 Facsimile: (213) 430-6407

6 *Attorneys for Defendants*
7 *Bank of America Corporation and NB*
Holdings Corporation

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 MAINE STATE RETIREMENT
12 SYSTEM, individually and on behalf
of all others similarly situated,

13 Plaintiff,

14 v.

15 COUNTRYWIDE FINANCIAL
16 CORPORATION, et al.,

17 Defendants.
18
19

Case No. 2:10-CV-00302 MRP (MAN)

**BANK OF AMERICA
CORPORATION AND NB
HOLDINGS CORPORATION'S
NOTICE OF MOTION AND
MOTION TO DISMISS THE
AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT**

Hearing Date: October 18, 2010

Time: 11:00 a.m.

Judge: Honorable Mariana R. Pfaelzer

Courtroom: Courtroom 12

Spring Street Courthouse

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

HEREIN:

PLEASE TAKE NOTICE THAT on October 18, 2010 at 11:00 a.m., or such time thereafter as the Court deems proper, at Courtroom 12 of the Spring Street Courthouse before the Honorable Mariana R. Pfaelzer, Defendants Bank of America Corporation and NB Holdings Corporation will move and hereby do move the Court to grant their Motion to Dismiss Plaintiffs' Amended Consolidated Class Action Complaint under Federal Rule of Civil Procedure 12(b)(6).

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on August 11 and August 13, 2010. This motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Request for Judicial Notice, the Declaration of Matthew Close, the exhibits filed in support thereof, all pleadings and papers on file in this action, and upon such other matters as may be presented to the Court at the time of hearing.

Dated: August 20, 2010

Respectfully submitted,

SETH ARONSON
MATTHEW CLOSE
O'MELVENY & MYERS LLP

By: /s/ Matthew Close
MATTHEW CLOSE

*Attorneys for Defendants
Bank of America Corporation and NB
Holdings Corporation*

Bradley J. Butwin
Jonathan Rosenberg
William J. Sushon
O'MELVENY & MYERS LLP
Seven Times Square
New York, New York 10036
(212) 326-2000